

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

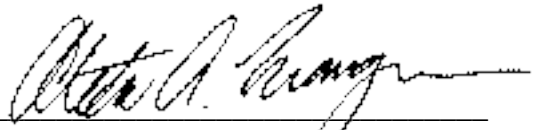
UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No. 3:12-00041
)	Judge Trauger
CHARLES GLENN, IV)	

ORDER

The defendant has filed a Motion to Dismiss Count Three of the Indictment (Docket No. 79), to which the government has responded in opposition (Docket No. 85). The motion is premature and is hereby **DENIED WITHOUT PREJUDICE**. The defendant seeks to rely upon certain “undisputed facts” in order to characterize his motion as requiring a pure ruling of law, as opposed to being dependent upon factual determinations made by the court or the jury at trial. The government is entitled to put on all of its evidence in an attempt to prove the essential elements of Count Three, after which the court, upon request, will make a determination as to the sufficiency of that evidence under Rule 29, Federal Rules of Civil Procedure.

It is so **ORDERED**.

Enter this 12th day of February 2013.



ALETA A. TRAUGER
United States District Judge